

REGULAR AGENDA MEETING
Mayor and Council
Borough of Harrington Park, New Jersey
December 13, 2021

PUBLIC NOTICE
BOROUGH OF HARRINGTON PARK
MEETING MOVED TO ELECTRONIC PLATFORM
“ZOOM.US”

Pursuant to Governor Murphy’s Executive Orders #107 and 108 ordering Statewide lockdowns, and P.L. 2020, c. 34 permitting public bodies to conduct meetings via electronic means during declared states of emergency, the meeting of the Borough of Harrington Park scheduled for **December 13, 2021 at 7:00pm** will be conducted remotely from the electronic meeting platform Zoom.us. Members of the public can join the meeting and participate during public comment period by joining the meeting using the Zoom mobile application on a smartphone or tablet, joining the meeting by laptop with microphone capabilities, or dialing in using a telephone to the Zoom teleconference system. Information on how to join the meeting electronically appears below.

Members of the public may submit written comments in advance of a meeting, which will be read during the relevant public portion of the meeting. Written comments shall contain the person’s name and address and may be submitted via email to the Borough Clerk (clerk@harringtonparknj.gov) or by mail addressed to: Clerk, Borough Hall, 85 Harriot Ave., Harrington Park, NJ. Emailed comments must be received at least 48 hours prior to the meeting. Mailed comments must be received by 4:00 p.m. the day before the meeting.

If any meeting includes a public hearing, all material that will be considered by the Borough Council at the public hearing shall be posted on or linked to the homepage of the Borough’s website in a conspicuous location or as otherwise required by law. Written comments, as set forth above, will be accepted for such public hearings. If sworn testimony is to be taken during the public hearing, it shall be broadcast by both video and audio. Written public comments will not be considered where sworn testimony is required.

Topic: Mayor and Council Agenda Meeting

Time: Dec 13, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/84029377480?pwd=Yjh6Ym9GT3VSVis0bldCb0pqY3NuUT09>

Meeting ID: 840 2937 7480

Passcode: 543740

One tap mobile

+19292056099,,84029377480#,,, *543740# US (New York)

Dial by your location

+1 929 205 6099 US (New York)

Meeting ID: 840 2937 7480

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Find your local number: <https://us06web.zoom.us/j/84029377480?pwd=Yjh6Ym9GT3VSVis0bldCb0pqY3NuUT09>

A copy of the agenda and all meeting materials is available at the Borough of Harrington Park website: www.harringtonparknj.gov, or by calling the Borough Clerk at 201-768-1700 or submitting an email request clerk@harringtonparknj.gov between the hours of 9:00 am and 4:00 pm during normal business days (Monday-Friday).

Please be aware that the audio connections for all members of the public will be muted for the duration of the meeting, except for those periods when public comments are received. Members of the public may use the “raise your hand” feature on Zoom, to request to participate in public comment portions. The Borough may impose time limitations on the length of individual speakers.

Members of the public are advised that the video and audio of the meeting will be recorded and will be a public record subject to disclosure pursuant to the Open Public Meetings Act. The Borough reserves the right to post the recording of the meeting to its website.

Formal Action may or may not be taken.
Any other business that may come before the Council

(PAH) Call Meeting to Order

Time: 7:01pm

Mayor’s Announcement:

In compliance with Chapter 231, Public Law 1975, adequate notice of the meeting was made. It is included in the Annual Meetings posted on the bulletin board in the Municipal Center. Copies have been emailed to the BERGEN RECORD and SUBURBANITE. A copy has been filed with the Borough Clerk, and copies have been provided to individuals requesting the same.

(ALB) Roll Call:

	PRESENT	ABSENT
NAPOLITANO(AN)	X	
EVANELLA (GE)	X	
WALKER (DW)	X	
BROCKMAN (JB)	X	
PEDERSEN (JP)		X
CHUNG (JC)	X	

Also present:

Ms. Ann H. Bistriz, CMC, RMC, CMR Admin. (ALB)
Mr. Kunjesh Trivedi, CFO, CTC (KJT)
Mr. John R. Dineen, Borough Attorney (JRD)
Council Elect William Blackinton
Dep. Chief Robert Murphy (RM)
Mr. Peter Ardito, Chair Environmental Commission

(PAH) Consent Agenda-Resolutions-

All matters listed under this section are considered to be routine by the Borough Council and will be enacted by one motion as listed below. There will not be separate discussion of these items. Should discussion be desired, that item will be removed from the Consent Agenda and will be considered separately under New or Old Business on the Agenda.

Consent Approval Items: A-J

(A) 2021-167 Highland Field Pavilion Structure Change Order

(B) 2021-168 Close Out Highland Field Pavilion

**(C) 2021-169 BERGEN COUNTY COMMUNITY DEVELOPMENT
BLOCK GRANT (CDBG) APPLICATION – ADA-ACCESSIBILITY**

IMPROVEMENTS AT THE BOROUGH HALL AND LIBRARY (PHASE III) MUNICIPAL ENDORSING RESOLUTION

(D) 2021-170 Extend Contract for Disposal of Solid Waste

(E) 2021-171 Police Laptop

(F) 2021-172 Junior Fireman Gavin Smith

**(G) 2021-173 Cancellation of General Capital Fund - Unexpended Improvement
Authorization**

(H) 2021-174 Cancellation of Grant Receivables - General Capital Fund

(I) 2021-175 Cancellation of Reserve for Sale of Municipal Assets – Current Fund

(J) 2021-176 Cancellation of Certain Other Trust Fund Balance Sheet Accounts

Motion GE

Second DW

Discussion AN questioned process of cleaning the computer and storing the Borough documents. GE stated he has an email from Dart Computers that certifies that the computer has been cleaned and documents reviewed. KJT added that documents are stored on the Borough Police server.

Vote AIF (JB abstained on F)

Individual Committee Reports

(PAH) Mayor Hoelscher

As of the first of the year the Borough is going to attempt live open meetings at the Borough Hall starting with the Sine Die and Reorganization meetings. Depending on future conditions the Council can then determine how to proceed as we move forward.

(AN) Planning Bd., Bd. of Adjustment, Construction, Fire, Ambulance

Asked if open meetings will be held, are parameters going to be in place concerning social distancing and mask requirements. PAH understood the concern and stated that there should be consideration to request wearing a mask at meetings.

(GE) Police, Municipal Court, Personnel

(DW) DPW, Building & Grounds, Sanitation/Recycling

Leaves, leaves and more leaves.

November 17, closed Bogerts Mill Road for a house fire.

Cleaned the entire route of the 5K.

November 13, set up for the rabies vaccine clinic at the DPW.

Committee is reviewing resumes and hopes to have a candidate shortly. One member of the department resigned. Interviews will start after the 20th of December.

White goods 12140 lbs. Curbside recycling 43.97 tons

(JB) Board of Health, Environmental Commission

Due to the pandemic, the Environmental Commission sold their mulch on line and increased their sales by 300%

The Commission will do the same in 2022. They requested to have the money raised added to the tree fund account.

Request was supported by the CFO.

9 trees were planted this year-including Pondside Park, Library and Borough Hall, and Don Horsey Park

August 3 there was damage by an Off Road 4 Wheeler to Beechwood Park. It was determined by the Chief of Police that prohibiting these types of vehicles was unenforceable on Borough property. The EC is requesting an ordinance to address the

prohibition of motorized vehicles, except for Fire Department, Police or wheelchairs on the pathways and wetlands areas in out woods.

(JP) Finance, Admin. & Exec., Grants

(JC) Recreation Commission, Liaison to Board of Education, Public Information

Soccer has ended-the season was quite successful. Boys grade 5 & 6 won the Northern Valley tournament. JC asked if there was room for the trophy in Borough Hall. ALB noted that there is plenty of room for display.

Indoor soccer has begun and is showing strong participation.

Pickleball has been approved for the lower Basketball Courts at Highland Field. Nets will be purchased.

(JRD) Borough Attorney

(ALB) Borough Clerk/Administrator

So grateful that this area dodged the recent storm that destroyed a large portion of Kentucky. That storm was headed this way but was not as strong as it was out west.

(KJT) CFO/TAX Collector

Old Business:

New Business:

(GE) Police Committee has interviewed 8 candidates for 2 officers. Hopes that by next Monday, recommendations will be made.

(PAH) As with past practice, each year he awards a Citizen of the Year. This year is the first time he has chosen an outgoing Councilperson. The award this year will go to Councilman Brockman for his dedication to the community while serving on council as well as his volunteerism outside of local government. Presentation will be made to JB at the Sine Die Meeting, January 2, 2021 at 11:30am.

Ordinances: Adoption by Title-Bond Ordinance #759 Addendum K

BOND ORDINANCE AMENDING AND RESTATING BOND ORDINANCE NUMBER 755 (WHICH PROVIDES FOR VARIOUS 2021 CAPITAL IMPROVEMENTS) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HARRINGTON PARK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY (THE "BOROUGH") ON MAY 25, 2021, TO INCREASE THE APPROPRIATION TO \$1,385,987 (INCLUDING INCREASING GRANTS TO \$291,666), TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES OF THE BOROUGH TO \$1,042,210, TO INCREASE THE DOWN PAYMENT TO \$52,111 AND TO AMEND THE DESCRIPTION OF THE IMPROVEMENTS AND PURPOSES AUTHORIZED THEREBY

Motion JC

Second JB

(PAH) Meeting Open to the Public for discussion or Ordinance #759

Motion GE

Second AN

Vote AIF

Public present, but not to discuss this item.

(PAH)Close the Meeting to the Public

Motion GE

Second AN

Vote AIF

Discussion for Ordinance #759-no discussion

Roll Call Vote for Ordinance #759-All in Favor

GE requested to allow Dep. Chief Murphy speak concerning his desire to hire additional police officers in 2022.

RM explained that previously Chief Maalouf had made presentations to Council requesting hiring additional officers for several reasons.

The Committee is in favor of this idea since the Borough of Harrington Park has the smallest ratio of residents to police in Bergen County. Currently we are at 2.3 ration and even by hiring one more office the ratio would only be brought up to 2.7, still the lowest but it would still be substantially beneficial to the Department and the Borough. Hiring another office would be prudent with the Allegro development and the retirement of an additional officer next year. There are many more requirements in training, and administrative mandates that come from the Attorney General and the limited staff makes it difficult to meet requirements for the State and the needs of our residents. In addition, the current department has long standing members that are entitled to vacation time. As it is now the department is stretched thin.

JC inquired about the Overtime amount and if there would be problems in the future.

RM noted that the Chief did a great job keeping OT to a minimum, but with less officers and additional training, it will go up. OT was budgeted for \$78,000 for 2021, with \$12,000 left at the beginning of December.

RM would also like to bring in a Second in Command that would work with him during the day to provide additional oversight on the officers. Harrington Park is the only department in Bergen County that does not have such a line of command.

PAH and **GE** thanked Dep. Chief Murphy for his willingness to work with the Police Committee.

(PAH) Meeting Open to the Public General Discussion

Motion GE

Second DW

Vote AIF

Leslie Finer, Norma Road

- 1) Wanted a direct response to several emails sent to the Borough, Councilwoman Walker and DPW regarding pot holes that are a foot deep in the vicinity of the Parkway/Norma and Elliot Rd. She feels they have been ignored and never addressed since she has lived in town. She made it clear that she is not requesting the road to be paved, but rather just having the area patched to enable the older neighbors to walk safely on the road. She expressed disappointment that her request was not addressed earlier this year when paving the area would have been better than dealing with it now.

- 2) She is tired of seeing the tree branches at the curb for over two and half months where the Parkway meets Florence Road.
- 3) She also is requesting a better way to reach the Mayor since she is not getting any of her requests or emails responded to. She has only gotten back "Received" from Borough Clerk and a generic answer from the DPW Supt.

PAH responded that he is always concerned about the residents in Harrington Park. The Council is working closely with Mr. Nappi to secure funds to pave the areas in question. He stated that he drove the area earlier this evening and did not see pot holes in the size that Ms. Finer reported. Mr. Nappi informed the Mayor that he can Cold Patch the area as time permits. If Ms. Finer has a definite location of a particular pot hole that size she should let them know since one that size has not been noticed. In any event, PAH will discuss with Mr. Nappi.

This time of year, the DPW either collects leaves or chips. We will notify residents that if they have branches or twigs they can place in cans and leave out with garbage collection. DPW is focused on getting all the leaves collected before the snow comes.

Ms. Finer then requested a better way to contact the Mayor since she is in the opinion that he is not responsive to her complaints. PAH advised her to provide her phone number to the Borough Clerk and he can call her. He prefers to speak directly to residents to discuss their concerns.

Ms. Finer continued to speak, however, she was quickly advised by Mr. Dineen that she has spoken for several minutes which is beyond the allowable amount of time. She argued that she did not get all her questions answered to her liking. Mr. Dineen advised she can come to another meeting.

(PAH)Close the Meeting to the Public

Motion GE

Second JC

Vote AIF

(PAH)Motion for Closed Session GE Time: 7:46pm

Second AN

Vote AIF

RESOLUTION

WHEREAS, N.J.S.A. 10:4-12 permits a public body to conduct business in Closed Session during a public meeting; and

WHEREAS, the Mayor and Council deem it necessary to discuss certain matters in Closed Session as permitted by the aforesaid statute.

(GE) Police Personnel-Contractual

BE IT FURTHER RESOLVED that discussion of the aforementioned subjects may be made public at such time as disclosure of the discussion will not detrimentally affect the interest and Borough as to said discussion.

Adjournment-Time:
Motion:
Second:
Vote:

Addendum A
Resolution
2021-167
Highland Field Pavilion Structure Change Order

Be it resolved by the Mayor and Council of the Borough of Harrington Park of Bergen County, New Jersey upon the recommendation of the Borough Engineer that the Change Order for the Contract listed below be and is hereby approved.

TITLE OF JOB: Highland Field Pavilion Structure (BC Open Space Funded)

CONTRACTOR: Picerno Giordano Construction, 200 Market St., Kenilworth, NJ 07033

NJDOT CHANGE ORDER No.: 1 & Final

AMOUNT OF CHANGE THIS RESOLUTION: \$4,249.88 2.65% Increase

This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

Dated: _____ **Certified:** _____
Treasurer

Dated: _____ **Approved:** _____
Mayor

I, Ann Bistriz, Borough Clerk of the Borough of Harrington Park, Bergen County, New Jersey do hereby certify that the foregoing Resolution was adopted by the Mayor and Council of the Borough of Harrington Park at a regular meeting held _____.

Dated: _____
Clerk

Addendum B
Resolution
2021-168
Close Out Highland Field Pavilion

Be it resolved by the Mayor and Council of the Borough of Harrington Park, Bergen County, New Jersey that the contract for the Highland Field Pavilion Structure (Bergen County Open Space Grant) has been constructed by Picerno-Giordano Construction in accordance with the Plans and Specifications, as directed by the Project Engineer. The said

construction is hereby accepted for Payment No. 3 & Final in the amount of **Fifteen Thousand Three Hundred Ninety-Eight Dollars and Sixty Cents (\$15,398.60)** is hereby approved.

This Resolution to take effect immediately.

Dated: _____

Approved:

Mayor

CERTIFICATION

I, Ann Lott Bistriz, Borough Administrator of the Borough of Harrington Park, Bergen County, New Jersey, do hereby certify that the foregoing resolution was adopted by the Mayor and Council of the Borough of Harrington Park, at a regular meeting held _____

Dated: _____

Administrator

Addendum C Resolution 2021-169

BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION – ADA-ACCESSIBILITY IMPROVEMENTS AT THE BOROUGH HALL AND LIBRARY (PHASE III) MUNICIPAL ENDORSING RESOLUTION

Borough of Harrington Park

WHEREAS, a Bergen County Community Development Block Grant totaling \$108,720.00 has been proposed by the Borough of Harrington Park for the ADA-Accessibility Improvements At The Borough Hall And Library (Phase III) in the Borough of Harrington Park; and,

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and,

WHEREAS, aforesaid project is in the best interest of the people of Harrington Park; and,

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development application; and,

NOW, THEREFORE, BE IT RESOLVED by the Borough of Harrington Park Mayor and Council hereby confirms endorsement of the aforesaid project; and,

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Division of Community Development (Robert G. Esposito, Director; Bergen County Division of Community Development; One Bergen County Plaza, 4th Floor; Hackensack, N.J. 07601) so that implementation of the aforesaid project may be expedited.

Certified as a true copy of the Resolution adopted by the Council
On this _____ day of _____, 20__.

Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

(Clerk)

(Mayor)

Addendum D
RESOLUTION
2021-170

Extend Contract for Disposal of Solid Waste

WHEREAS, the Borough of Harrington Park did advertise for sealed bids for a Contract for disposal of Solid Waste, Vegetative Waste and Recyclables in the Borough of Harrington Park pursuant to NJSA 48:13A-7.22, N.J.S.A. 40A: 11-1 et seq. and NJAC 7.26 H-6.4; and

WHEREAS sealed proposals were received by the Borough Clerk on October 24, 2018 and read aloud along with necessary bidding documents and bonds; and

WHEREAS, by Resolution duly memorialized by the Borough on November 19, 2018 such contract was awarded to Interstate Waste Services of New Jersey, Inc., 300 Frank W. Burr Blvd., Suite 39, Teaneck, NJ 07666.

WHEREAS, such contract and bid included an option in favor of the Borough to extend such contract for 2 additional one-year periods;

WHEREAS the Borough has determined it is in the best interest of the Borough to extend the contract with IWS for an additional one-year period of time on the terms and conditions included in the bid of IWS;

WHEREAS the option for this one-year period shall be at a cost to the Borough with an all-inclusive bid for the collection of solid waste, vegetative waste and single stream recycling collection as otherwise set forth in their bid proposal:

Option year 2022-\$ 343,000.00

WHEREAS, the Borough Treasurer has certified that funds will be available, and hereby recommends the award of this one-year extension for contract for the sum of \$343,000.00 to Interstate Waste Services of New Jersey Inc.

BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park that it hereby accepts this one-year extension (retaining to itself the right to extend again based upon the bid submitted).

The Mayor, Clerk or such other authorized person shall inform Interstate Waste Services of New Jersey Inc. of this extension for the services referenced above.

Addendum E
Resolution
2021-171
Police Laptop

WHEREAS, the Mayor and Council have established by ordinance a Police Department; and

WHEREAS, the Police Department of the Borough of Harrington Park by ordinance has appointed Albert Maalouf to the position as chief; and

WHEREAS, the Chief has tendered his retirement effective January 1, 2022;
WHEREAS FURTHER, the Chief has been provided a “laptop” for his official duties and it appears that such laptop now is out of date and of limited value;

WHEREAS the Chief has expressed an interest in purchasing from the Borough the used laptop for the sum of \$285 and the CFO has determined that such laptop has a value lesser or equal to \$285;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park, County of Bergen, State of New Jersey, as follows:

1. The Borough of Harrington Park shall sell to the Chief the laptop in question for the sum of \$285 provided that the IT personnel back up any documents related to Borough business and otherwise scrub it to assure confidentiality of any related applications or sensitive information. The Borough Council having determined that the laptop is outdated and of limited value to the furtherance of its work.

Addendum F
Resolution
2021-172

Harrington Park Volunteer Fire Department Junior Membership

WHEREAS the Mayor and Council of the Borough of Harrington Park approve the admittance of the following member in the Harrington Park Junior Volunteer Fire Department:

Gavin Smith

BE IT RESOLVED that applicants shall also be approved for membership with the signed permission of his/her parent or guardian and medical examination.

**Addendum G
Resolution
2021-173**

Cancellation of General Capital Fund - Unexpended Improvement Authorization

2021-WHEREAS, certain General Capital Fund Improvement Authorization balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to General Capital Fund fund balance.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Harrington Park, that the following unexpended Improvement Authorization balance in the General Capital Fund be canceled:

Ordinance <u>No.</u>	<u>Description</u>	Total <u>Cancelled</u>	General Capital <u>Fund Balance</u>
659/679	Various Capital Improvements	\$26,470	\$26,470
675	Various Capital Improvements	<u>9,889</u>	<u>9,889</u>
		<u>\$36,359</u>	<u>\$36,359</u>

**Addendum H
Resolution
2021-174**

Cancellation of Grant Receivables - General Capital Fund

WHEREAS, certain Grant Receivables exist in the General Capital Fund and remain uncollected for projects that are now completed; and

WHEREAS, it has been determined that the Borough has received all the funds eligible to be received and desires to cancel the remaining balances;

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Harrington Park, that the following be canceled:

Ordinance <u>No.</u>	<u>Description</u>	Total <u>Grants</u>	<u>Cancelled To:</u>	
			<u>Improvement Authorization</u>	<u>Reserve for Grants Receivables</u>
691	Various Capital Improvements	\$38,592		\$38,592
713	Various Roadway Improvements and Acquisition of Fire Department Equipment	39,473	\$39,473	
731	Various Capital Improvements	50,500		50,500
720	Various Capital Improvements	<u>81,423</u>	<u>81,423</u>	<u>-</u>
		<u>\$209,988</u>	<u>\$120,896</u>	<u>\$89,092</u>

**Addendum I
Resolution
2021-175**

Cancellation of Reserve for Sale of Municipal Assets – Current Fund

WHEREAS, there exists a certain prior year reserve balance on the December 31, 2020 Current Fund balance sheet in the amount of \$6,539; and

WHEREAS, this reserve is no longer needed for its intended purpose and it is necessary to formally cancel said balance to the Current Fund fund balance.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Harrington Park that the Reserve For Sale of Municipal Assets balance on the December 31, 2020 Current Fund balance sheet in the amount of \$6,539 be cancelled to Current Fund fund balance.

**Addendum J
Resolution
2021-176**

Cancellation of Certain Other Trust Fund Balance Sheet Accounts

WHEREAS, certain unallocated liability balances and certain reserve balances remain on the Other Trust Fund balance sheet at December 31, 2020, and

WHEREAS, it is necessary to formally cancel these balances from the Other Trust Fund balance sheet.

NOW, THEREORE, BE IT RESOLVED, by the Governing Body of the Borough of Harrington Park that the following balances be cancelled of record and be transferred to the Current Fund fund balance:

Account

Developer Deposits	\$ 59,821
Due from State of New Jersey – Training Fees	7,018
World Trade Center Assistance	<u>1,097</u>

Total \$ 67,936

Addendum K
Ordinance
BOROUGH OF HARRINGTON PARK
BOND ORDINANCE # 759

BOND ORDINANCE AMENDING AND RESTATING BOND ORDINANCE NUMBER 755 (WHICH PROVIDES FOR VARIOUS 2021 CAPITAL IMPROVEMENTS) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HARRINGTON PARK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY (THE "BOROUGH") ON MAY 25, 2021, TO INCREASE THE APPROPRIATION TO \$1,385,987 (INCLUDING INCREASING GRANTS TO \$291,666), TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES OF THE BOROUGH TO \$1,042,210, TO INCREASE THE DOWN PAYMENT TO \$52,111 AND TO AMEND THE DESCRIPTION OF THE IMPROVEMENTS AND PURPOSES AUTHORIZED THEREBY

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HARRINGTON PARK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The bond ordinance of the Borough of Harrington Park, in the County of Bergen, State of New Jersey (the "Borough"), finally adopted by the Borough Council of the Borough on May 25, 2021, numbered 755 and entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS 2021 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF HARRINGTON PARK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY; APPROPRIATING \$1,269,321 THEREFOR (INCLUDING A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$200,000) AND AUTHORIZING THE ISSUANCE OF \$1,018,400 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF" (the "Original Ordinance"), is hereby amended and restated in its entirety (including increasing the appropriation to \$1,385,987 and increasing Grants to \$291,666), increasing the authorization of bonds or notes to \$1,042,210, increasing the down payment to \$52,111 and amending the description of the improvements and purposes authorized thereby), as follows:

"SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Harrington Park, in the County of Bergen, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$1,385,987, said sum being inclusive of (i) a grant expected to be received from the New Jersey Department of Transportation in the amount of \$200,000 (the "NJDOT Grant"), (ii) a grant expected to be received from the Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) Program through the Bergen County Division of Community Development in the amount of \$91,666 (the "CDBG Grant", and together with the NJDOT Grant, collectively, the "Grants"),

and (iii) a down payment in the amount of \$52,111 now available for a portion of said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), and now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes. Pursuant to N.J.S.A. 40A:2-11(c) of the Local Bond Law, no down payment is required for a portion of the improvements or purposes set forth in Section 3 hereof, as a \$291,666 portion of the costs of such improvements or purposes is expected to be funded by the Grants.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,385,987 appropriation not provided for by the Grants or said down payment referred to in Section 1 hereof, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,042,210 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$1,042,210 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued is the 2021 Capital Improvement Program, which includes, but is not limited to, (i) the acquisition and installation, as applicable, for use by the Fire Department, of (A) communications and other equipment, including, but not limited to, pagers, thermal imaging cameras, an in-vehicle Knox Box System, fire hydrant markers and various parts and accessories to outfit a truck, (B) an inflatable rescue boat and all equipment and accessories related thereto, and (C) personal protective equipment ("PPE"), including, but not limited to, turnout coats, bunker pants, boots, helmets, gloves and uniforms; (ii) the acquisition of a new vehicle for the Fire Chief; (iii) the acquisition of a Case backhoe, a Vermeer wood chipper, a Ford F-350 truck and a dump truck with salt spreader for use by the Department of Public Works ("DPW"); (iv) improvements and repairs to the roof of the DPW building; (v) the acquisition and installation, as applicable, of cameras, street signs and other miscellaneous signs for use by the Police Department; (vi) various improvements and repairs to the Police Department building, including, but not limited to, improvements, repairs and upgrades to the heating and air conditioning system; (vii) various improvements and repairs to the Borough's Municipal Building, including, but not limited to, improvements and upgrades to the information technology department; (viii) the acquisition and installation of a surveillance camera security system for use at the Borough's Municipal Building and surrounding grounds; (ix) improvements, repairs and upgrades to various roadways within the Borough, all as part of the Borough's 2019 Riverside Cooperative Road Improvement Project, including, but not limited to, Phase 2 of the construction of LaRoche Avenue (a \$200,000 portion of such improvement being funded by the NJDOT Grant); (x) improvements, repairs and upgrades to the Library building sidewalks to provide ADA accessibility to comply with the Americans with Disabilities Act; and (xi) improvements, repairs and upgrades to the Highland Field Fieldhouse restrooms to provide ADA accessibility to comply with the Americans with Disabilities Act (a \$91,666 portion of such improvement being funded by the CDBG Grant). Such improvements or purposes shall also include, as applicable, all engineering and design work, surveying, construction management services, preparation of plans and specifications, permits, bid documents, contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans and specifications therefor on file in the office of the Borough Clerk and available for public inspection and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$1,042,210.

(c) The estimated cost of said improvements or purposes is \$1,385,987, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefore being the amount of \$343,777, which amount is comprised of the down payment available for said improvements or purposes in the amount of \$52,111 and the Grants in the amount of \$291,666.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Bergen make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby which is in addition to the Grants and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Bergen. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Bergen shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or as otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer of the Borough. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer of the Borough upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer of the Borough is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer of the Borough is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 9.13 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,042,210 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$40,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "Controlled Group" as the Borough, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures with bond proceeds "replacement proceeds" within the meaning of Treasury Regulation Section 1.148-1 of the bonds or any other bond issue, or (iii) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning

of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$1,042,210. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 10. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law."

ADOPTED ON FIRST READING

DATED: November 8, 2021

ANN H. BISTRITZ,
Borough Clerk

ADOPTED ON SECOND READING

DATED: December 13, 2021

ANN H. BISTRITZ,
Borough Clerk

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2021

PAUL A. HOELSCHER,
Mayor

